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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/087,071

02/27/2002

Claude Arnaud

3155/104

5179

2101

7590

11/16/2006

BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER

KOPPIKAR, VIVEK D

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,071	Applicant(s) ARNAUD ET AL.	
	Examiner Vivek D. Koppikar	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 157-161 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 157-161 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/28/03 and 10/06/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Application

1. Claims 157-161 have been examined in this application. This communication is the first action on the merits. The Information Disclosure Statements (IDS) filed on February 27, 2003 and October 6, 2003 have also been acknowledged. This communication is in response to the Election submitted by the applicants on August 21, 2006 wherein the applicants elected claims 157-161 without traverse.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 157-160 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent Number 6,934,590 to Ogawa.

(A) As per claim 157, Ogawa teaches a system for providing assurance of quality of subjects' medical images (Ogawa: Abstract), said system comprising:

a computer receiving either the subjects' medical images or said quantitative information derived from the subjects' medical images from a remotely located site (Ogawa: Figure 1 and Col. 3, Ln. 60-64); and

a computer program for performing quality checks on the subjects' medical images, wherein the medical images are selected from the group consisting of x-ray, ultrasound, single x-ray absorptiometry, dual x-ray absorptiometry, CT, MRI, radionuclide, SPECT scan, PET scan

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or data derived from analysis of medical photographic techniques, laser enabling techniques, laser enhanced imaging, and various biomicroscopy techniques (Ogawa: Figure 1; Col. 3, Ln. 47-Col. 4, Ln. 15 and Claim 23), and

wherein the quality checks are selected from the group consisting of assessment of image quality, assessments of image resolution, and assessments of image contrast (Ogawa: Col. 3, Ln. 60-62).

(B) As per claim 158, in Ogawa the quality checks are fully automated (Ogawa: Col. 3, Ln. 60-65).

(C) As per claim 159, in Ogawa the quality checks are carried out with human interaction (Ogawa: Col. 3, Ln. 60-65).

(D) As per claim 160, in Ogawa the quality checks are carried out on a sample of the subjects' medical images (Ogawa: Col. 3, Ln. 33-Col. 4, Ln. 65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 161 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa, as applied to Claim 157, above and in view of Official Notice.

(A) As per claim 161, Ogawa does not explicitly teach that the quality checks are carried out on a portion of selected ones of the subjects' medical images, however, the examiner takes Official Notice that this feature is well known in the field of quality control and quality assurance

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engineering. At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified Ogawa with this aforementioned feature with the motivation of having a more efficient means of performing a quality control analysis on a sample or batch of medical images wherein not all the images would have to go through a quality control check since requiring all the images in a selected sample or batch to go through a quality control check would prove more time consuming.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are directed towards systems for image quality assessments:

US Patent Number 5,493,593; 5,537,483; 5,600,574 and US Patent Application Publication 2002/0194019.

Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the

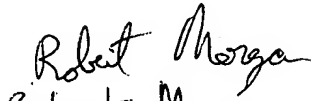
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(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,


Vivek Koppikar

11/13/2006


Robert Morgan
Patent Examiner
Art Unit 3626